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PATENT  
Attorney Docket No.: 17682A-006810US  
Client Reference No.: 151

Assistant Commissioner for Patents  
Washington, D.C. 20231

On 8/27/01

TOWNSEND and TOWNSEND and CREW LLP

By: Jeanette K. Hardi

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Michael W. Reed et al.

Application No.: 09/876,830

Filed: June 6, 2001

For: FLUORESCENT QUENCHING  
DETECTION REAGENTS AND  
METHODS

Examiner:

Art Unit: 1656

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The references cited on attached form PTO-1449 are being called to the attention of the Examiner. In accordance with 37 CFR §1.98(d), copies of the references can be found in Application No. 09/457,616, filed December 8, 1999 (Attorney Docket No. 17682A-006800). It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and

no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



William B. Kezer  
Reg. No. 37,369

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Sheet 1 of 6

## **Complete if Known**

|                        |                 |
|------------------------|-----------------|
| Application Number     | 09/876,830      |
| Filing Date            | June 6, 2001    |
| First Named Inventor   | Michael W. Reed |
| Group Art Unit         | 1656            |
| Examiner Name          | Unassigned      |
| Attorney Docket Number | 17682A-006810US |

## **U.S. PATENT DOCUMENTS**

| Examiner<br>Initials * | Cite<br>No. <sup>1</sup> | U.S. Patent Document |                                      | Name of Patentee or<br>Applicant<br>of Cited Document | Date of Publication of<br>Cited Document<br>MM-DD-YYYY | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear |
|------------------------|--------------------------|----------------------|--------------------------------------|---|--|--|
|                        |                          | Number               | Kind Code <sup>2</sup><br>(if known) |   |  |  |
|                        | 1                        | 5,304,645            |                                      | Klein et al.  |  |  |
|                        | 2                        | 4,954,630            |                                      | Klein et al.  |  |  |
|                        | 3                        | 5,455,157            |                                      | Hinzpeter al.   |  |  |
|                        | 4                        | 5,830,653            |                                      | Froehler et al.                                       |  |  |
|                        | 5                        | 6,028,183            |                                      | Lin et al.  |  |  |
|                        | 6                        | 6,007,992            |                                      | Lin et al.  |  |  |
|                        | 7                        | 2,264,303            |                                      | Dickey  | 12/02/41   |  |
|                        | 8                        | 4,358,535            |                                      | Falkow et al.   | 11/09/82   |  |
|                        | 9                        | 4,868,105            |                                      | Urdea et al.  | 09/19/89   |  |
|                        | 10                       | 5,124,246            |                                      | Urdea et al.  | 06/23/92   |  |
|                        | 11                       | 5,210,015            |                                      | Gelfand et al.  | 05/11/93   |  |
|                        | 12                       | 5,328,824            |                                      | Ward  | 07/12/94   |  |
|                        | 13                       | 5,451,463            |                                      | Nelson et al.   | 09/19/95   |  |
|                        | 14                       | 5,492,806            |                                      | Drmanac et al.  | 02/20/96   |  |
|                        | 15                       | 5,512,667            |                                      | Reed et al.   | 04/30/96   |  |
|                        | 16                       | 5,525,464            |                                      | Drmanac et al.  | 06/11/96   |  |
|                        | 17                       | 5,556,752            |                                      | Lockhart et al.                                       | 09/17/96   |  |
|                        | 18                       | 5,696,251            |                                      | Arnold, Jr. et al.                                    | 12/09/97   |  |
|                        | 19                       | 5,801,155            |                                      | Kutyavin et al.                                       | 09/01/98   |  |
|                        | 20                       | 5,824,796            |                                      | Petrie et al.   | 10/20/98   |  |
|                        | 21                       | 5,846,726            |                                      | Nadeau  | 12/08/98   |  |
|                        | 22                       | 5,876,930            |                                      | Livak et al.  | 03/02/99   |  |
|                        | 23                       | 5,942,610            |                                      | Nelson et al.   | 08/24/99   |  |

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Sheet 2 of 6

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| Application Number     | 09/876,830      |
| Filing Date            | June 6, 20001   |
| First Named Inventor   | Michael W. Reed |
| Group Art Unit         | 1656            |
| Examiner Name          | Unassigned      |
| Attorney Docket Number | 17682A-006810US |

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|---------------------|-----------------------|----------------------|-----------------------------------|---|--|---|
|                     |                       | Number               | Kind Code <sup>2</sup> (if known) |   |  |   |
|                     | 24                    | 5,952,202            |                                   | Aoyagi et al.                                   | 09/14/99   |   |
|                     | 25                    | 5,502,177            |                                   | Matteucci et al.                                | 03/96  |   |

## FOREIGN PATENT DOCUMENTS

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|---------------------|-----------------------|-------------------------|---------------------|-----------------------------------|---|--|---|--------------------------|
|                     |                       | Office <sup>3</sup>     | Number <sup>4</sup> | Kind Code <sup>5</sup> (if known) |   |  |   |                          |
|                     | 26                    | PCT                     | WO 00/06771         |                                   | McGall et al.                                   | 02/10/00   |   | <input type="checkbox"/> |
|                     | 27                    | Int'l                   | 90/14353            |                                   |   | 11/29/90   |   | <input type="checkbox"/> |
|                     | 28                    | Int'l                   | 92/10588            |                                   |   | 06/25/92   |   | <input type="checkbox"/> |
|                     | 29                    | Int'l                   | 96/17957            |                                   |   | 06/13/96   |   | <input type="checkbox"/> |
|                     | 30                    | Int'l                   | 99/40226            |                                   |   | 08/12/99   |   | <input type="checkbox"/> |
|                     | 31                    | Int'l                   | 99/51621            |                                   |   | 10/14/99   |   | <input type="checkbox"/> |
|                     | 32                    | EP                      | 00/70685            |                                   |   | 01/26/83   |   | <input type="checkbox"/> |
|                     | 33                    | PCT                     | WO 97/39008         |                                   | Yagi and Kramer                                 | 10/23/97   |   |                          |

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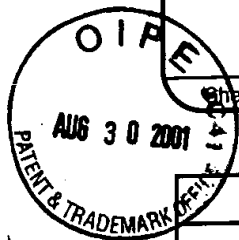
# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

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Sheet 3 of 6

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| Filing Date            | June 6, 2001    |
| First Named Inventor   | Michael W. Reed |
| Group Art Unit         | 1656            |
| Examiner Name          | Unassigned      |
| Attorney Docket Number | 17682A-006810US |



## **OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

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|------------------------|--------------------------|---|--------------------------|
|                        | 34                       | Nonisotopic DNA Probe Techniques, Academic Press, Inc., San Diego 1992, pp. 311-352   | <input type="checkbox"/> |
|                        | 35                       | Tyagi et al., <i>Nat. Biotech.</i> , <b>16</b> :49-53 (1998)  | <input type="checkbox"/> |
|                        | 36                       | Nazarenko et al., <i>Nucl. Acid Res.</i> , <b>25</b> :2516-2521 (1997)  | <input type="checkbox"/> |
|                        | 37                       | Lee et al., <i>Nucl. Acid Res.</i> , <b>21</b> :3761-3766   | <input type="checkbox"/> |
|                        | 38                       | Rothman et al., <i>Biorg. Med. Chem. Lett.</i> , <b>9</b> :509-512 (1999)   | <input type="checkbox"/> |
|                        | 39                       | Matayoshi et al., <i>Science</i> , <b>247</b> :954-958 (1990)   | <input type="checkbox"/> |
|                        | 40                       | Li et al., <i>Bioconj. Chem.</i> , <b>10</b> :241-245 (1999)  | <input type="checkbox"/> |
|                        | 41                       | Hawthorne et al., <i>Anal. Biochem.</i> , <b>253</b> :13-17 (1997)  | <input type="checkbox"/> |
|                        | 42                       | Bickett et al., <i>Ann. N.Y. Acad. Sci.</i> , <b>732</b> :351-355 (1994)  | <input type="checkbox"/> |
|                        | 43                       | White et al., <i>Anal. Biochem.</i> , <b>268</b> :245-251 (1999)  | <input type="checkbox"/> |
|                        | 44                       | Petrie et al., <i>Bioconj. Chem.</i> , <b>3</b> :85-87 (1992)   | <input type="checkbox"/> |
|                        | 45                       | Reed et al., <i>Bioconjug. Chem.</i> , <b>2</b> :217-225 (1991)   | <input type="checkbox"/> |
|                        | 46                       | Pon et al., <i>Nucl. Acids Res.</i> , <b>25</b> :3629-3635 (1997)   | <input type="checkbox"/> |
|                        | 47                       | Haugland et al., Handbook of Fluorescent Probes and Research Chemicals, Sixth Edition, Eugene, OR., pp. 235-236 (1996)  | <input type="checkbox"/> |

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Sheet 4 of 6

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| Filing Date            | June 6, 2001    |
| First Named Inventor   | Michael W. Reed |
| Group Art Unit         | 1656            |
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|------------------------|--------------------------|---|--------------------------|
|                        | 48                       | Hirshberg et al., <i>Biochem.</i> , 37:10381-10385 (1998)   | <input type="checkbox"/> |
|                        | 49                       | Wiegant et al., <i>Cytogenet. Cell Genet.</i> , 63:73-76 (1993)   | <input type="checkbox"/> |
|                        | 50                       | Gamper et al., <i>Nucleic Acids Res.</i> , 21:145-150 (1993)  | <input type="checkbox"/> |
|                        | 51                       | Lukhtanov et al., <i>Bioconjugate Chem.</i> , 7:564-567 (1996)  | <input type="checkbox"/> |
|                        | 52                       | Eisen, <i>Methods of Enzym.</i> , 303:179-205 (1999)  | <input type="checkbox"/> |
|                        | 53                       | Boger et al., <i>J. Org. Chem.</i> , 52:1521- (1987)  | <input type="checkbox"/> |
|                        | 54                       | Uhlmann et al., <i>Angew. Chem. Inter. Ed.</i> , 37:2796-2823 (1998)  | <input type="checkbox"/> |
|                        | 55                       | Mayfield et al., <i>Anal. Biochem.</i> , 268:401-404 (1998)   | <input type="checkbox"/> |
|                        | 56                       | Holland et al., <i>Proc. Acad. Sci.</i> , 88:7276-7280 (1991)   | <input type="checkbox"/> |
|                        | 57                       | Wittwer et al., <i>Biotechniques</i> , 22:176-181 (1997)  | <input type="checkbox"/> |
|                        | 58                       | Baker et al., <i>J. Chem. Soc.</i> , 170, 173 (1950)  | <input type="checkbox"/> |
|                        | 59                       | Forchiassin et al., <i>J. Heterocyc. Chem.</i> , 20:493-494 (1983)  | <input type="checkbox"/> |
|                        | 60                       | Seela et al., <i>J. Chem. Soc., Perkin Trans.</i> , 1:479-488 (1999)  | <input type="checkbox"/> |
|                        | 61                       | Innis et al. (eds.), <i>PCR Protocols</i> , pp. 1-27, Academic Press, San Diego (1990)  | <input type="checkbox"/> |

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Sheet 5 of 6

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|                        | 62                       | Hames et al. (eds.), <i>Nucleic Acid Hybridization: A Practical Approach</i> , pp. 47-110 IRL Press, Oxford (1985)  | <input type="checkbox"/> |
|                        | 63                       | Van Ness et al., <i>Nucleic Acids Res.</i> , 19:5143-5151 (1991)  | <input type="checkbox"/> |
|                        | 64                       | Sambrook et al., <i>Molecular Cloning: A Laboratory Manual</i> , pp. 11.45-11.57, Second Edition, Cold Spring Harbor Laboratory Press (1989)  | <input type="checkbox"/> |
|                        | 65                       | Ausubel et al., <i>Current Protocols in Molecular Biology</i> , John Wiley & Sons (1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996)  | <input type="checkbox"/> |
|                        | 66                       | Freifelder, <i>Physical Biochemistry</i> , pp. 700-712, Second Edition, Freeman & Co., San Francisco (1982)   | <input type="checkbox"/> |
|                        | 67                       | Whitcombe, D. et al., <i>Nat. Biotech.</i> , 17:804-807 (1999)  | <input type="checkbox"/> |
|                        | 68                       | Cardullo et al., <i>Proc Natl. Acad. Sci. USA</i> , 85:8790-8794 (1988)   | <input type="checkbox"/> |
|                        | 69                       | Du et al. <i>PhotochemCAD. A Computer-Aided Design and Research Tool in Photochemistry</i> , <i>Photochem. Photobiol.</i> , 68:141-142 (1998)   | <input type="checkbox"/> |
|                        | 70                       | Nielsen et al., <i>Science</i> , 254:1497-1500 (1991) bicyclo DNA oligomers   | <input type="checkbox"/> |
|                        | 71                       | Bolli et al., <i>Nucleic Acids Res.</i> , 24:4660-4667 (1996)   | <input type="checkbox"/> |
|                        | 72                       | Gamper et al., <i>Biochem</i> , 36:14816-14826 (1997)   | <input type="checkbox"/> |
|                        | 73                       | Milesi et al., <i>Methods Enzym.</i> , 313:164-73 (1999)  | <input type="checkbox"/> |
|                        | 74                       | <i>Ann Phys.</i> , 2:55-75 (1948)   | <input type="checkbox"/> |
|                        | 75                       | Livak. <i>PRC Methods Appl.</i> , 5:357-362 (1995)  | <input type="checkbox"/> |

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|---------------------|-----------------------|---|--------------------------|
|                     | 76                    | Ibrahim et al., <i>Mol. Cel. Probes</i> , 11:143-147 (1997)   | <input type="checkbox"/> |
|                     | 77                    | Demidov, <i>PNAS</i> , 92:2637-2641 (1995)  | <input type="checkbox"/> |
|                     | 78                    | Huang, <i>J. Org. Chem.</i> , 58:6235-6246 (1993)   | <input type="checkbox"/> |
|                     | 79                    | Seela, XIII International Round Table, Nucleosides, Nucleotides and Their Biological Applications, September 6-10, 1998, Poster 279   | <input type="checkbox"/> |
|                     | 80                    | Mayfield, <i>Biorg. Med. Chem. Lett.</i> , 9:1419-1422 (1999)   | <input type="checkbox"/> |
|                     | 81                    | Cantor et al., <i>Biopolymers</i> , 9:1059-1070 (1970)  | <input type="checkbox"/> |
|                     | 82                    | ASANUMA et al., "Photo-Responsive Oligonucleotides Carrying Azobenzene in the Side-Chains", <i>Tetrahedron Letters</i> , 39: 9015-9018 (1998)   |                          |
|                     | 83                    | "98 Catalogue", 1998 Amersham Pharmacia Biotech S-Hertogenbosch, Netherlands XP002172887, page 127, FluoroBlue  |                          |
|                     | 84                    | SOKOL et al, Real time detection of DNA-RNA hybridization in living cells", <i>Proc. Nat'l. Acad. Sci.</i> , 95:11538-11543 (September 1998).   |                          |

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